

### **REMARKS**

Favorable reconsideration of the subject patent application is respectfully requested in view of the above amendments and the following remarks. Claims 1-11 are pending in the subject application, with amended Claim 1 being in independent format. A Petition for a three-month extension of time for response to the Office Action mailed June 27, 2006 and the requisite fee accompany this Amendment and Reply, thereby extending the period for response until December 27, 2006.

The Examiner states that applicant's request for continued examination under 37 C.F.R. 1.114, including the fee set forth in 37 C.F.R. 1.17(e), was filed in connection with the subject application after final rejection, and that since the subject application is eligible for continued examination under 37 C.F.R. 1.114, and the fee set forth in 37 C.F.R. 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 C.F.R. 1.114. Further, the Examiner states that applicant's submission filed on May 30, 2006 has been entered.

Claims 2-5 have been canceled. Claim 1 has been amended to recite: "A transporter with a foldable tent comprising: (a) a case comprising four side walls, a closed upper end, and an open lower end; wherein the case is not reinforced, and wherein the case can be opened and closed along one longitudinal side; (b) a foldable tent packed and stored within the case; wherein the foldable tent is completely enclosed by the case when the case is closed; (c) a transport device arranged at the open lower end of the case, the transport device comprising a horizontal plate which engages with and supports the foldable tent; and a vertical plate connected to the horizontal plate and the case; (d) a strap connected to the vertical plate and releasably spanning the case along its perimeter at the open lower open end, thereby firmly pressing the foldable tent to the vertical plate; and (e) two wheels connected at two opposite ends of the vertical plate, wherein the common rotation axis of the two wheels rotates outside of the case and above the horizontal plate, and wherein the two wheels do not make contact with the ground when the transporter is in an upright position." Support for amended Claim 1 can be found at lines 25-26 on page 3 ("foldable tent"), and the paragraph beginning at line 34 of page 5 and ending at line 11 of page 6 ("the two wheels do not make contact with the ground") of the specification as filed.

It is urged that support for all the above amendments may be found throughout the specification as originally filed and that none of the amendments constitute new matter or give rise to prosecution history estoppel.

***Claim Rejections – 35 U.S.C. §102(b)***

Claims 1-5, and 7-9 are rejected under 35 U.S.C. §102(b) as being anticipated by *Lannon* (U.S. Patent No. 2,613,952). This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner alleges that *Lannon* discloses a transport comprising a case B with a zipper opening in the lower region (if secured upside down) and a handle or hand grip 4 in the upper region, and a transport device including horizontal and vertical plates 10, 14, and a strip or fastening means 28 for securing the case to the transport device.

Amended Claim 1 recites: “a transporter with a foldable tent comprising: (a) a case comprising four side walls, a closed upper end, and an open lower end; wherein the case is not reinforced, and wherein the case can be opened and closed along one longitudinal side; (b) a foldable tent packed and stored within the case; wherein the foldable tent is completely enclosed by the case when the case is closed; (c) a transport device arranged at the open lower end of the case, the transport device comprising a horizontal plate which engages with and supports the foldable tent; and a vertical plate connected to the horizontal plate and the case; (d) a strap connected to the vertical plate and releasably spanning the case along its perimeter at the open lower open end, thereby firmly pressing the foldable tent to the vertical plate; and (e) two wheels connected at two opposite ends of the vertical plate, wherein the common rotation axis of the two wheels rotates outside of the case and above the horizontal plate, and wherein the two wheels do not make contact with the ground when the transporter is in an upright position.”

Unlike the inventive transporter, the golf bag carrier disclosed by *Lannon* does **not** disclose a transporter with a foldable tent comprising a case provided with a foldable tent packed and stored within the case; wherein the foldable tent is completely enclosed by the case when the case is closed. Further, the golf bag carrier described by *Lannon* does **not** disclose a transporter with a foldable tent comprising two wheels connected at two opposite ends of the vertical plate,

wherein the common rotation axis of the two wheels rotates outside of the case and above the horizontal plate, and wherein the two wheels do not make contact with the ground when the transporter is in an upright position.

In contrast, *Lannon* teaches a golf bag carrier, and unlike applicant's transporter, *Lannon's* golf bag carrier is **not** provided with a foldable tent packed and stored within the golf bag. Further, the golf bag carrier described by *Lannon* is provided with "a single wheel journaled in bracket 6", in a central area beneath plate 10 (*see Lannon* col. 2, line 4 and Figures 1-4). On the contrary, applicant's transporter comprises two wheels connected at two opposite ends of the transporter's vertical plate, and the two wheels do not make contact with the ground when the transporter is in an upright position.

*Lannon* therefore does **not** disclose each element of the claimed invention and does not anticipate amended Claim 1. Claims 7-9 depend from Claim 1 and necessarily include each of the limitations of Claim 1.

It is urged that Claims 1 and 7-9 are not anticipated by *Lannon* and that the present rejection of the claims under 35 U.S.C. §102(b) may thus be properly withdrawn.

#### ***Claim Rejections - 35 U.S.C. §103(a)***

Claims 6, 7, 10, and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Lannon* as applied to applicant's Claim 1. This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner states *Lannon* discloses a chamber with cover (not numbered) able to store wheels, as shown in figure 1A, and that *Lannon* does not disclose multiple wheels as being detachable. The Examiner next states that "simply adding extra wheels and/or making wheels removable is not patentable unless it produces an unexpected result, and therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the transport of *Lannon* with the detachable wheels".

Claims 6, 7, 10, and 11 depend from amended Claim 1 and necessarily include each of the limitations of amended Claim 1.

The teachings of *Lannon* are discussed above. As discussed above, the single wheel describe in *Lannon*'s golf bag carrier is necessarily located below the horizontal plate. In order to allow the open lower end of the case of applicant's transporter to remain accessible, the two wheels of applicant's transporter are connected at two opposite sides of the vertical plate 11. The unexpected result produced from the two wheels of applicant's inventive transporter is that the tent does not need to be lifted while being transported because the two wheels are connected at two opposite sides of the vertical plate, providing an accessible open lower end for the transporter's case.

The foldable tent, being in an upright position, is packed in the case 1. The case is then closed along one longitudinal side, and the horizontal plate 4 of the transport device 5 connected to the case engages with the tent and supports the tent. Since the connection between the vertical plate 11 of the transport device and the case is not stable enough to take up the transversal forces, a strap or strip 12, connected to the vertical plate, releasably spans around the perimeter of the case, thereby firmly pressing the folded tent within the case to the vertical plate.

Using the *Lannon* golf bag carrier to transport a foldable tent, a person having ordinary skill in the art would have to first put the tent over the golf bag from the top, since the golf bag cannot be opened and closed along a longitudinal side. The user then must lift the golf bag and the tent to place it on the horizontal plate 10, connect the vertical plate 14 to the case, which is actually not possible in the *Lannon* golf bag carrier, and put the strap 28 around the case and tent. Further, strap 28 in *Lannon* is not connected to the vertical plate 14.

It is therefore urged that *Lannon* would not render Claims 6, 7, 10, and 11 obvious to one of skill in the art, and that the present rejections of under 35 U.S.C. §103(a) may be properly withdrawn.

***Conclusion***

In view of the above amendments and remarks, applicant believes that he has addressed all of Examiner's concerns. Early consideration and allowance of all the pending claims is respectfully requested.

Respectfully submitted,



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